

# EXHIBIT 1

1 IN THE UNITED STATES DISTRICT COURT  
2 IN AND FOR THE DISTRICT OF DELAWARE

3 TEVA PHARMACEUTICALS USA, : CIVIL ACTION  
4 INC., and TEVA :  
5 PHARMACEUTICAL INDUSTRIES, :  
6 LTD., :  
7 Counterclaim Plaintiffs :  
8 v. :

9 ABBOTT LABORATORIES, :  
10 FOURNIER INDUSTRIE ET :  
11 SANTE, and LABORATOIRES :  
12 FOURNIER S.A., :  
13 Counterclaim Defendants. : NO. 02-1512 (SLR)  
14 ----- : (Consolidated)

15 IMPAX LABORATORIES, INC., :  
16 Counterclaim Plaintiff : CIVIL ACTION  
17 vs. :  
18 :

19 ABBOTT LABORATORIES, :  
20 FOURNIER INDUSTRIE ET :  
21 SANTE, and LABORATOIRES :  
22 FOURNIER S.A., : NO. 03-120 (SLR)  
23 Counterclaim Defendants. : (Consolidated)

24 ----- :  
25 IN RE TRICOR DIRECT : CIVIL ACTION  
PURCHASER ANTITRUST : NO. 05-340 (SLR)  
LITIGATION : (Consolidated)

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IN RE TRICOR INDIRECT : CIVIL ACTION  
PURCHASER ANTITRUST : NO. 05-360  
LITIGATION : (Consolidated)

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Wilmington, Delaware  
Thursday, April 3, 2008  
10:07 o'clock, a.m.  
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BEFORE: HONORABLE SUE L. ROBINSON, U.S.D.C.J.

Valerie J. Gunning  
Official Court Reporter

<p style="text-align: center;">2</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 YOUNG, CONAWAY, STARGATT &amp; TAYLOR, LLP</p> <p>4 BY: JOSY W. INGERSOLL ESQ.</p> <p>5 -and-</p> <p>6 GOODWIN PROCTER LLP</p> <p>7 BY: CHRISTOPHER T. HOLDING, ESQ.</p> <p>8 (Boston, Massachusetts).</p> <p>9 Counsel for Teva Pharmaceuticals USA, Inc.</p> <p>10 and Teva Pharmaceutical Industries Ltd.</p> <p>11</p> <p>12 MORRIS, NICHOLS, ARSHT &amp; TUNNELL</p> <p>13 BY: MARY B. GRAHAM, ESQ.</p> <p>14 -and-</p> <p>15 MARY B. GRAHAM, ESQ.</p> <p>16 BY: PATTERSON BELKNAP WEBB &amp; TYLER LLP.</p> <p>17 WILLIAM F. CAVANAUGH, JR., ESQ.</p> <p>18 CHAD J. PETERMAN, ESQ. and.</p> <p>19 ROSEANNE FELICELLO, ESQ.</p> <p>20 (New York, New York)</p> <p>21 Counsel for Abbott Laboratories</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: center;">4</p> <p>1 APPEARANCES (Continued):</p> <p>2</p> <p>3 CHIMICLES &amp; TIKELLIS LLP</p> <p>4 BY: A. ZACHARY NAYLOR, ESQ.</p> <p>5 -and-</p> <p>6 J. THOMPSON &amp; ASSOCIATES PLC</p> <p>7 BY: JASON THOMPSON, ESQ.</p> <p>8 (Southfield, Michigan)</p> <p>9 -and-</p> <p>10 HAGENS BERMAN SOBOL SHAPIRO LLP</p> <p>11 BY: DAVID S. NALVEN, ESQ.</p> <p>12 (Cambridge, Massachusetts)</p> <p>13 Counsel for End Payor Plaintiff Class</p> <p>14</p> <p>15 ROSENTHAL, MONHAIT &amp; GODDESS, P.A.</p> <p>16 BY: JEFFREY S. GODDESS, ESQ.</p> <p>17 -and-</p> <p>18 GARWIN, GERSTEIN &amp; FISHER</p> <p>19 BY: BARRY S. TAUS, ESQ. and</p> <p>20 ADAM STEINFELD, ESQ.</p> <p>21 (New York, New York)</p> <p>22 -and-</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: center;">3</p> <p>1 APPEARANCES (Continued):</p> <p>2</p> <p>3 RICHARDS, LAYTON &amp; FINGER.</p> <p>4 BY: FREDERICK L. COTTRELL, ESQ. and.</p> <p>5 ANNE SHEA GAZA, ESQ.</p> <p>6 -and-</p> <p>7 ARNOLD &amp; PORTER LLP</p> <p>8 BY: WILLIAM BAER, ESQ. and</p> <p>9 JAMES COOPER, ESQ.</p> <p>10 (Washington, D.C.)</p> <p>11 -and-</p> <p>12 STEPTOE &amp; JOHNSON</p> <p>13 BY: TIMOTHY BICKHAM, ESQ.</p> <p>14 (Washington, D.C.)</p> <p>15 Counsel for Fournier Industrie et Sante,</p> <p>16 and Laboratoires Fournier S.A.</p> <p>17 MORRIS JAMES LLP</p> <p>18 BY: MARY B. MATTERER, ESQ.</p> <p>19 -and-</p> <p>20 KEKER &amp; VAN NEST LLP</p> <p>21 BY: ROBERT VAN NEST, ESQ.,</p> <p>22 ASIM BHANSALI, ESQ. and</p> <p>23 C. KYLE MUSGROVE, ESQ.</p> <p>24 (San Francisco, California)</p> <p>25 Counsel for Impax Laboratories, Inc.</p>	<p style="text-align: center;">5</p> <p>1 APPEARANCES (Continued):</p> <p>2</p> <p>3 BERGEN &amp; MONTAGUE, P.C.</p> <p>4 BY: PETER KOHN, ESQ.</p> <p>5 ERIC CRAMER, ESQ.</p> <p>6 (Philadelphia, Pennsylvania)</p> <p>7 Counsel for Direct Purchaser</p> <p>8</p> <p>9 PRICKETT JONES &amp; ELLIOTT, P.A.</p> <p>10 BY: ELIZABETH M. MCGEEVER, ESQ.</p> <p>11 -and-</p> <p>12 HANGLEY APONCHIK SEGAL &amp; PUDLIN</p> <p>13 BY: JOSEPH T. LUKENS, ESQ.</p> <p>14 (Philadelphia, Pennsylvania)</p> <p>15 Counsel for Walgreen Co., Eckerd</p> <p>16 Corporation, The Kroger Co., Maxi Drug,</p> <p>17 Inc. D/b/a Brooks Pharmacy, Albertson's,</p> <p>18 Inc., Safeway, Inc. And Hy-Vee, Inc.,</p> <p>19 CVS Pharmacy, Inc. Rite Aid Corporation,</p> <p>20 Rite Aid Headquarters Corp. and American</p> <p>21 Sales Company, Inc.</p> <p>22 MURPHY &amp; LANDON</p> <p>23 BY: FRANCIS J. MURPHY, JR., ESQ.</p> <p>24 -and-</p> <p>25</p>

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1 APPEARANCES (Continued):

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3 RAWLINGS & ASSOCIATES, P.L.L.C.  
4 BY: MARK SANDMAN, ESQ.  
(Louisville, Kentucky)

5 -and-  
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7 FARUQI & FARUQI LLP  
8 BY: KENDALL S. ZYLSTRA, ESQ. and  
(New York, New York)

9 Counsel for Pacificare Health Systems

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1 stage.

2 Class certification, certainly, is something  
3 that I will attend to and put on my list of motions that  
4 we'll try to get to just as soon as possible, because I  
5 think that does need to be resolved sooner rather than  
6 later.

7 Although the defendants say that the material  
8 facts are not really in dispute, I have never found that  
9 necessarily to be the case with antitrust litigation, and I  
10 have tried my summary fashion in another antitrust case, and  
11 instead of a concise statement of facts, you all gave me  
12 papers that are probably this high (indicating). Therefore,  
13 I have concluded, once again, that there's no easy way to  
14 deal with lawyers in complex litigation. It's virtually  
15 impossible. You can't help yourselves. You file more paper  
16 than I can deal with in a helpful fashion.

17 So we're not going to even try that here. But  
18 it seems to me as though, if we get a few of the preliminary  
19 issues out, that some of these other issues, the nature of  
20 the product improvements, whether everyone received a  
21 benefit, et cetera, I think those are absolutely fact --  
22 that those are issues of fact that should be resolved by the  
23 ultimate trier of fact, not by me on summary judgment.

24 So those are my preliminary thoughts. You all  
25 came here at some expense and trouble, so I certainly don't

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1 PROCEEDINGS

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3 (Proceedings commenced in the courtroom,  
4 beginning at 10:07 a.m.)

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6 THE COURT: Good morning, everyone.

7 (Counsel respond, "Good morning, your Honor.")

8 THE COURT: I found your status letter very  
9 helpful and have some thoughts about how we're going to  
10 proceed.

11 Let me just explain to you that not only have  
12 all the district judges taken on additional caseloads, but  
13 that I have one of my two law clerks out on pregnancy,  
14 maternity leave, so to deal with the case of this complexity  
15 is certainly a challenge.

16 But it seems to me that a few things are  
17 apparent. Number one, I do not have the resources to deal  
18 with full-blown summary judgment practice, but there are a  
19 few issues that, from your summary, seems to me to be an  
20 appropriate use of my limited judicial resources to define  
21 before we get to a trial stage.

22 And that is defining the relevant market and the  
23 propriety of the patent litigations, inequitable conduct,  
24 which is really a bench issue. And those are three issues  
25 that I would pick out for trying to resolve at an earlier

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1 want to deny you the benefit of earning your money, and if  
2 you care to, all of you, make statements to supplement  
3 your status report or to offer any further helpful  
4 suggestions, and eventually we'll have to talk about a  
5 schedule, I would certainly appreciate that and give you  
6 that opportunity.

7 Give me one minute while I turn on my computer  
8 to get my schedule up, and then whoever wants to start out  
9 in this long line of folks can certainly do so.

10 MS. MATTERER: Good morning, your Honor. I'm  
11 Mary Matterer, on behalf of Impax Laboratories, and I would  
12 like to introduce Robert Van Nest from the law firm of Keker  
13 & Van Nest, and Asim Bhansali, and also Kyle Musgrove, from  
14 Kenyon & Kenyon, representing Impax.

15 THE COURT: All right. Thank you very much.

16 MR. VAN NEST: Good morning, your Honor. Bob  
17 Van Nest, from Keker & Van Nest.

18 We appreciate your comments and your approach  
19 sounds very sensible. We understand, all of us, the  
20 constraints on your Honor's resources, especially with only  
21 one clerk.

22 And I'm going to talk really for both of the  
23 competitor plaintiffs, but I will touch on some issues  
24 that are common to all of us, because everyone on the  
25 plaintiffs' side has been coordinating carefully as we've